



ZONING ADMINISTRATOR
NOTICE OF DECISION

Date: May 7, 2012
Applicant: 3 R's Corporation for Aatlas Auto Wrecking
Case No.: PCC-10-069
Address: 791 Energy Way, Chula Vista, Ca.
A.P.N.: 644-181-21-00
Project Planner: Richard Zumwalt, A.I.C.P., Associate Planner

Notice is hereby given that on May 7, 2012, the Zoning Administrator considered Conditional Use Permit (CUP) Application PCC-10-069 filed by 3 R's Corporation ("Applicant"), to operate the Aatlas Auto Wrecking Salvage Yard. The application requests approval of a Conditional Use Permit to permit an automobile recycling business which involves the dismantling of automobiles for re-use of auto parts and the recycling of scrap materials, on a site which has previously supported the same type of business. The project includes an open storage yard for non-operational vehicles, one existing 2 story, 5,000 square foot building including an office, customer waiting area, workshop, and storage; construction of a 2,500 sq. ft. covered automobile dismantling area; and a 6-space customer parking lot. The Project site consists of one 59,600 sq. ft. (1.37 acre) parcel ("Project Site"). The site has a zoning designation of Industrial-Precise Plan (IP) and a General Plan Designation of Limited Industrial (IL). The Property is owned by Pejman Ghannadian ("Property Owner").

The Director of the Development Services Department has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies for a Class 1 Categorical Exemption pursuant to 15301 (Existing Facilities) of the State CEQA Guidelines. The proposed project consists of negligible or no expansion of an existing use. Thus, no further environmental review is necessary.

The Zoning Administrator, under the provisions of Section 19.14.030.A of the Chula Vista Municipal Code, has been able to make the following Conditional Use Permit findings as required by CVMC Section 19.14.080:

That the proposed use at this location is necessary or desirable and will contribute to the general well being of the neighborhood or the community.

The use is appropriate for the area because it provides a service to the community by recycling end-of-life vehicles resulting in cost savings of recycled parts, energy conservation, parts available for reuse, reduction in abandoned vehicles in the City and land fill materials, reduced insurance costs for repair and providing a market for totaled vehicles.

That such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

The use will operate within the context of other auto wrecking/salvaging uses in the immediate area. In addition to City regulations, the use is also regulated by safety and health requirements by other local and state government agencies. The use will incorporate off-street parking and perimeter landscaping and fencing to minimize any adverse visual affects.

That the proposed use will comply with the regulations and conditions specified in the code for such use.

The use and its location comply with the applicable regulations and development standards specified in the Municipal Code for auto wrecking or salvage yard uses. The use is conditionally permitted pursuant to the General Industrial, Precise Plan (I-P) zoning (C.V.M.C. 19.46.040(M)). The use is conditioned to ensure the use maintains compliance with the Municipal Code.

That the granting of this Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any government agency.

The General Plan designates the site as Limited Industrial (IL). The zoning of the site is General Industrial, Precise Plan (I-P), which is consistent with the IL General Plan designation. Operation of an automobile recycling facility is an industrial use, which is permitted upon approval of a Conditional Use Permit (CUP) in the I-P zone. Therefore this approval is consistent with and will not adversely affect the implementation of the General Plan.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-10-069 as described above subject to the following conditions:

The following conditions shall apply to the Project Site. The Property Owner, Applicant or their successors-in-interest shall satisfy these conditions prior to issuance of the first building permit for the project, or at the timeframe specified in the condition. Upon completion, the Property Owner and Applicant shall remain in compliance with the conditions as long as the Project relies upon this approval:

PLANNING DIVISION

1. The Project Site shall be developed and maintained in accordance with the PCC-10-069 approved plans dated February 27, 2012, which include site plans and floor plans on file in the Planning Division, the conditions contained herein, and the Zoning Ordinance (Title 19).

2. The Property Owner, Applicant or authorized representative shall execute this document by making a true copy of this Notice of Decision and signing both this original notice and the copy on the lines provided below, said execution indicating that the Property Owner and the Applicant have each read, understood and agreed to the conditions and land use operation modifications contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document prior to submittal for building permits to the Development Services Department shall indicate the Property Owner's and Applicant's desire that the project, and the corresponding application for building permits and/or a business license, be held in abeyance without approval.

Signature of Property Owner

Date

Signature of Applicant or Authorized Representative

Date

3. The Applicant shall install or repair (as necessary) perimeter fencing with slats, with a minimum height of 6 feet, to provide screening from off -site.
4. The Applicant shall implement and maintain state of the art storage, safety and conservation measures including drainage improvements, fire suppression devices and hazardous fluid collection and storage.
5. The Applicant shall limit the stacking of wrecked vehicles to no higher than the height of 6-foot fence.
6. The Applicant shall ensure that the dismantling operation only includes hauling trucks, forklifts, air compressors, drills, welding equipment and general hand tools and other machinery or equipment necessary for the operation.
7. Within 90 days of the date of approval of the Conditional Use Permit, the Applicant shall submit building permit application and plans to construct required improvements shown on the approved plans, including a permanent covered dismantling area, trash enclosure and applicable handicapped accessibility improvements.
8. The Applicant shall prepare, submit and obtain approval by the City's Environmental Services Program Manager a Recycling and Solid Waste Management Plan.
9. The Applicant shall construct one trash enclosure as per sheet A-3 of the approved plans, including a solid roof with a minimum height of 11 feet.

BUILDING DIVISION

10. The Applicant shall obtain approval of a Building Permit as determined by the Building Division. Building permits shall comply with applicable codes and requirements, including but not limited to the 2010 California Building Code (CBC) and California Handicapped Accessibility requirements, 2010 California Mechanical Code, 2010 California Plumbing Code, 2010 California Electrical Code, 2010 California Green Building Code, and 2008 California Energy Code, as adopted and amended by the State of California and City of Chula Vista.
11. The Applicant shall clarify the scope of work to be included in the permit, including the covered area/ canopy, trash enclosure and any other improvements requiring a building permit.
12. The Building Permit plans shall be designed by an Architect or Engineer licensed by the State of California (California Business and Professions Code 5536.1, 6735).
13. The Building Permit plans shall include a Building Code data legend on the title (first) sheet of the plans. Include the following applicable code information for each building or space proposed:
 - a. Occupancy group classification, CBC Ch. 3.
 - b. Type of construction, CBC Ch. 6.
 - c. Type of Fire Sprinklered (Full 13, 13R, 13 D, Not sprinklered)
 - d. Proposed and allowable floor area, CBC Table 503.
14. Exterior walls shall have a fire resistance rating per CBC I-601 and I-602.
15. Exterior wall openings are limited and shall have fire protection rating per CBC Ch. 7.
16. Disabled access shall be required to the extent identified in the CBC. Hardship waivers are available to reduce disabled access compliance.
17. Storage racks over six feet in height require approval of a building permit.

ENGINEERING DIVISION

Prior to approval of the building permit, the Applicant shall comply with the following to the satisfaction of the Land Development Division:

18. The Applicant shall refresh existing landscaping and install new shrub planting and irrigation in the existing planter adjacent to the street in front yard area, and install erosion control groundcover or hydroseeding on the slope the northern property line.

19. Prior to any change in ownership of the facility, the Applicant shall notify the San Diego Regional Water Quality Control Board about the change of owner for the site and update the information of the Industrial Permit. Please provide evidence that the Industrial Permit has been completed before the approval of any permits.
20. The Applicant shall not construct permanent obstructions within, or over City easements that could hinder the maintenance of facilities within the easement.

PUBLIC WORKS

21. Development of this project shall comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) General Construction Permit. In accordance with said Permit, the applicant is required to prepare and remain in compliance with the Storm Water Pollution Prevention Plan (SWPPP), during operation of the facility. To prevent pollution of storm water conveyance systems, the SWPPP shall specify construction Best Management Practices (BMP's), including structural and non-structural BMP's, good housekeeping, storage and disposal of waste, and hazardous materials, staff training, self inspections, and follow-up from monitoring. A copy of the SWPPP shall be submitted to City of Chula Vista Public Works Department upon request.
22. The applicant shall file a complete and accurate Notice-of-Intent (NOI) with the San Diego Regional Water Quality Control Board (State Board) to obtain coverage under the Industrial General Permit, Order No. 97-03 DWQ. A copy of the acknowledgement from the Regional Board that a NOI has been received for this project, together with the Waste Discharge Identification Number (WDID), shall be filed with the City of Chula Vista Department of Public Works.
23. All mechanical work involving pollutant-generating activities shall be conducted under cover with proper containment.
24. Any additional impervious areas over 5,000 sq. ft. in size will initiate a requirement for runoff treatment.

FIRE DEPARTMENT

25. The Applicant shall indicate on the building plans the type, quantity, and storage location of any proposed hazardous materials to be stored on the site, including any combustible and flammable liquids.
26. The Applicant shall provide the automatic gates with an Opticom Detection System and a Knox Key Switch override. Provisions shall be taken to operate the gate upon loss of power. Manual gates, if proposed shall require installation of a Knox Box.

27. The Applicant shall submit a site plan exhibit with the building plan submittal showing fire access lanes around the vehicle storage area, with a minimum of 20 feet of clearance. The Applicant shall maintain a minimum 20-foot access at all times.
28. The Applicant shall address the building in accordance with the following criteria:
 - a. 51 – 150ft from the building to the face of the curb = 10-inches in height with a 1 ½ -inch stroke
29. The Applicant shall obtain a Fire Department Permit for General Use.
30. The Applicant shall provide fire extinguishers in the building.


ON-GOING CONDITIONS

Upon certification by the Development Services Department for occupancy or establishment of use allowed by this Conditional Use Permit, the following conditions shall apply:

31. The Applicant shall operate the project in compliance with the Operational Profile submitted November 23, 2011.
32. The Applicant shall not engage in the sale, trade, repair and/or maintenance of operable vehicles in reliance on this Conditional Use Permit.
33. Before any change of ownership of the project site, the property owner shall provide evidence that past-due fees have been paid in full for all fines imposed by the City's Code Enforcement Division, and the Storm Water Unit of the Public Works Department.
34. Hours of operation shall be Monday through Friday from 8:00 am to 5:00 pm, and Saturday from 8:00 am to 2:00 pm.
35. The height of equipment or material stored outdoors shall not exceed the height of fencing or 6 feet in height.
36. Material or equipment including non-operational vehicles shall not be stored in a manner that interferes with vehicular access, customer parking or site drainage.
37. The fencing, landscaping, and irrigation shall be well maintained at all times.
38. The Applicant shall continuously comply with all federal, state and local laws and safety standards.
39. The Project shall operate in compliance with the Performance Standards, CVMC Chapters 19.66, and Performance Standards and Noise Control, Chapter 19.68

40. This Conditional Use Permit authorizes only the use specified in the application for PCC-10-069. Any new use, modification/expansion of use, or activities not authorized under this Conditional Use Permit shall be subject to the review and approval of the Zoning Administrator.
41. This permit shall become void if not used or extended within three years of the effective date thereof in accordance with Section 19.14.260 of the Chula Vista Municipal Code. Failure to comply with the any conditions of approval shall cause this permit to be reviewed by the City for additional conditions or revocation, pursuant to the requirements of CVMC Section 19.14.270.
42. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. The applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.
43. The Property Owner and Applicant shall and do agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Conditional Use Permit and (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated on the Project Site. The Property Owner and Applicant shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit where indicated below. The Property Owner's and Applicant's compliance with this provision shall be binding on any and all of the Property Owner's and Applicant's successors and assigns.
44. Approval of this Project shall not waive compliance with all sections of Title 19 of the Municipal Code, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Conditional Use Permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 7th day of May, 2012.



Mary Ladiana,
Zoning Administrator

Cc: Miguel Tapia, Senior Planner, Development Services
Khosro Aminpour, Public Works
Sandra Hernandez, Land Development/Engineering
Lou El-Khazen, Building Division
Sam Escalante, Fire Department

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